



# Statutory Approvals Committee – minutes

## Centre 0314 (The Leeds Centre for Reproductive Medicine) – application for Special Directions to export sperm to Crown IVF Centre, Famagusta Cyprus

Thursday, 28 January 2016

HFEA, Finsbury Tower, 103-105 Bunhill Row, London, EC1Y 8HF

Committee members	David Archard (Chair) Rebekah Dundas (Deputy chair) Sue Price Margaret Gilmore	
Members of the Executive	Trent Fisher	Secretary
Legal Adviser	Tom Rider	Fieldfisher
Observers	Dr Jenny Carmichael	

### Declarations of interest:

- members of the committee declared that they had no conflicts of interest in relation to this item.

### The committee had before it:

- 8th edition of the HFEA Code of Practice
- standard licensing and approvals pack for committee members

### The following papers were considered by the committee:

- executive summary
- application form
- special directions further information form
- letter from recipient centre

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## 1. Consideration of application

- 1.1. The committee noted that the centre has applied for Special Directions to export nine vials of patient's sperm to the Crown IVF Centre, Magusa Tip Merkezi Hastanesi Esref Bitlis Caddesi, Famagusta, 90392, Turkish Republic Northern Cyprus, Northern Cyprus.
- 1.2. The committee noted that the HFEA Act 1990 (as amended) permits the Authority to issue directions to allow the export of gametes or embryos to countries outside the United Kingdom. Furthermore, the committee noted that if in relation to the export of gametes outside the EEA the conditions set out by schedule 4 of General Directions 0006, of which there are nine, are all satisfied, export is permitted without the need for a Special Direction.
- 1.3. The committee noted that this application for Special Directions is being made because the centre is unable to export the sperm under the auspices of General Directions 0006 because it is unable to meet the requirements of Schedule 4, Section 1:
  - (h) the gametes or embryos are not exported if they could not lawfully be used in licensed treatment services in the United Kingdom in the manner or circumstances in which it is proposed that the gametes or embryos be used by the receiving centre;
- 1.4. The committee noted that Special Directions should not be granted routinely, or where the purpose or dominant effect appears to be to circumvent these requirements.
- 1.5. The committee noted that the male patient is a quadriplegic and has limited movement. Sperm samples had previously been surgically retrieved and subsequently cryopreserved. The committee noted further that obtaining another sperm sample from the male patient in Northern Cyprus is not an option as further surgery in his case is not recommended.
- 1.6. The committee noted that the couple need to use donated eggs and have chosen to have their treatment in Northern Cyprus as the waiting times for treatment are less than that in the applying centre, the female patient is aged 40 and the couple wish to try to start a family as soon as possible.
- 1.7. The Committee noted that the application states the screening of the donor is along the same lines and recommendations of the HFEA. However, donors are anonymous and can receive expense payments of approximately 1000 to 1500 euros. It is for these reasons the requirements of Schedule 4, Section 1 (h) are unable to be met.

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## 2. Decision

- 2.1. The committee weighed the receiving centre's inability to meet certain requirements set out in General Direction 0006 against inability to obtain a further sperm sample from the male patient and the need for use of donor eggs. The committee noted that General Directions existed for good reason, and were the footing on which the Authority sets out its policy for importing or exporting gametes or embryos. However, the committee also noted that evidence had been provided by the receiving centre that went some way to satisfying the requirements of General Direction 0006 that could not be fully satisfied.
- 2.2. In light of the circumstances of the applicant couple, the committee concluded that a refusal to issue Special Directions would interfere with the right to marry and found a family under Article 12 of the ECHR.
- 2.3. The committee concluded that denying the application would be disproportionate as no significant level of concern has been raised which would make a refusal justified.
- 2.4. The committee agreed to grant Special Directions in this case for centre 0314 (The Leeds Centre for Reproductive Medicine) to export nine straws of the patient sperm to, the Crown IVF Centre,

Magusa Tip Merkezi Hastanesi Esref Bitlis Caddesi, Famagusta, 90392, Turkish Republic Northern Cyprus, Northern Cyprus.

- 2.5.** The committee concluded that the current case involves a highly exceptional set of circumstances. Accordingly, granting this application for Special Directions would not set an undesirable precedent which would undermine the imperative requirements identified.

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### **3. Chair's signature**

- 3.1.** I confirm this is a true and accurate record of the meeting.

#### **Signature**

A handwritten signature in black ink, appearing to read 'DWA' followed by a stylized flourish.

#### **Name**

David Archard

#### **Date**

10 February 2016